

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOY RACER, INC.,

Case No. C-11-02536 JCS

Plaintiff,

v.

DOES 1-98,

Defendants.

ORDER DENYING PLAINTIFF'S *EX PARTE* APPLICATION FOR LEAVE TO TAKE EXPEDITED DISCOVERY AND ORDER TO SHOW CAUSE RE IMPROPER JOINDER [Docket No. 5]

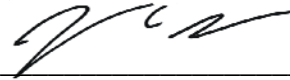
Plaintiff has filed an *Ex Parte* Application for Leave to Take Expedited Discovery ("Application"). In *Hard Drive Productions v. Does 1-188*, this Court concluded that Doe Defendants who are joined in a single action on the basis that all of them used the BitTorrent protocol to illegally download a protected work are improperly joined, even if all of the Doe Defendants participated in a single "swarm." See Case No. 11-01566 JCS, Docket No.26, filed August 23, 2011. On that basis, the Court severed and dismissed all but the first Doe Defendant named in the action that had not already been dismissed at the time the Order was filed. For the reasons stated in that Order, Plaintiff's Application is DENIED except as to Doe Defendant at IP address 108.0.162.41 ("Doe 1").

FURTHER, IT IS HEREBY ORDERED that Plaintiff appear on **October 21, 2011, at 1:30 p.m.**, before Magistrate Judge Joseph C. Spero, in Courtroom G, 15th Floor, 450 Golden Gate Avenue, San Francisco, California, and then and there to show cause why the Court should not sever all but Doe 1 from this action and dismiss without prejudice the claims against all of the Doe Defendants except Doe 1. Plaintiff may file a brief in response to this Order to Show Cause no later

1 than September 30, 2011. The Case Management Conference currently scheduled for **September 2,**
2 **2011 at 1:30 p.m. is reset for October 21, 2011 at 1:30 p.m.**

3 IT IS SO ORDERED.

4 Dated: August 25, 2011

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7 JOSEPH C. SPERO
United States Magistrate Judge
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